

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DAVID BURGETT,

Civil No. 09-2179 ADM/AJB

Plaintiff,

v.

O R D E R

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Arthur J. Boylan dated June 7, 2010, all the files and records, and no objections having been filed to said Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's Motion for Summary Judgment is granted [Docket No. 6];
2. Defendant's Motion for Summary Judgment [Docket No. 10] is denied;
3. The case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for reversal and calculation for award of benefits.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: July 6, 2010

s/Ann D. Montgomery

Judge Ann D. Montgomery
U. S. District Court